622 627 sends one of his assistants to invite the elders and summons the defendant. If the problem is important, the military commanders are also invited. Problems of this kind include delimitation of the boundaries of fields—a kind of arbitration case often made necessary by contracts drafted ambiguously by incapable men. Cases of dividing a paternal inheritance are often laborious and consume many days. The whole community is interested in such cases. In personal quarrels, disputes, and fights the offending party may be flogged with up to one hundred stripes. If the complainant has been wounded, the defendant is condemned, in addition, to defray the expenses for the doctor and for medicine and to pay indemnity for a fixed number of days of recuperation.

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685 Stealing seems to be an ineradicable evil among the Monguors, and stealing of animals is the worst of all. The Monguors still seem to have the old attitude toward thieving and the stealing of animals, although thieves are severely punished. Among the neighboring nomads, when a man is caught red-handed stealing animals, he is taken to a lonely spot, the tendons of his ankle joints are cut, and he is left, crippled, to die on the spot. The nomads show no pity for cattle thieves. The Monguors do not punish as cruelly and do not inflict capital punishment, but the thief has his hands bound behind his back and is then hung by the thumbs, until he loses consciousness. Water is then poured on his head. When he recovers consciousness, the same sport is repeated two or three times. He is then flogged with up to five hundred stripes, or even more. If a thief is caught the second time, he is sent to the T'u-ssu's prison, and when he emerges from jail, he is a wreck of his former self—provided he escapes at all, by bribing the guards.

People who steal sheaves from the field at harvest time are flogged with up to fifty or one hundred stripes and are led through the village, the sheaves on their back, crying the whole way long that they are guilty. Boys accused by their parents of disobedience are flogged in the same way, after having been forced to apologize to their parents.

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•684 In cases of adultery the guilty pair, if caught *in flagrante delictu*, are flogged with up to one hundred stripes or more. The woman is beaten on her bare back with rawhide lash, the man on his bare buttocks and thighs. Apologies are made to the injured husband. A sheep or pig is brought to his home. Fire crackers are set off. The guilty pair ask a guarantor to speak for their proper conduct in the future. An official statement is written attesting the fact of adultery and the supplication for pardon. The two guilty persons place their right thumbs on an inked pad and then make an impression with the thumb on the statement. They are then led through the village, two drums beating before them, while they confess their guilt.

Once in a while a young woman runs away from her

1: Schram M-5 (1911-1922) 1954 AE9 Monguor AE9

684 husband—or rather, usually, from her mother-in-law. When brought back she endures one hundred lashes on the back, and is led to her husband's house with the same "ceremonial" as related above, after having asked for a guarantor and made her thumb-print on a statement.

583 Once in a while, also, a future son-in-law who is working for his future father-in-law, in order to marry the daughter, disappears with the daughter. After one or two years they return, and ordinarily the parents are delighted to see them again, and no more complaints are made.

525 681 593 In cases of gambling, a fine is imposed on the offenders for the upkeep of the temple or to defray the expenses of the religious celebrations performed by the shaman at the village in spring and autumn. All kinds of interesting and dramatic cases occur. Wives complain about their husbands; widows who do not intend to remarry complain about members of the family prodding and teasing them to remarry; widows willing to remarry are hindered from remarrying; or the price for a bride is not paid at the fixed time; or a betrothal is broken off, etc.

627 Two particular cases may be described in detail, because of the light they cast on the type of cases handled by chiefs and elders, and on Monguor society in general.

In the first case, in the valley of Hungnai, in 1918, Chang Chia-pa, a Chinese whose family had been enrolled in a Monguor clan for many generations, had a daughter married "with the girdle" [5] who was the mother of a lovely boy. He also had a son, a daughter-in-law, and grandchildren. The girl of the girdle, who was always having trouble with her sister-in-law, finally could not stand any more, married a man named Hou Yu-liang as his concubine, and took her son with her. Hou paid her father four hundred strings of cash for her.

After five or six years, during the festivities held at the second moon in Weiyuanp'u, a Chinese peddler from Ho-nan province, named Li, made trouble with Hou Yu-liang for having, as he complained, married the

585 [5] When a girl who is unwilling to marry has relations with a guest, custom requires that the guest present his girdle (sash) to the girl. In the event that she subsequently becomes pregnant, she performs the rites of marriage with the sash, and she is thenceforth known as "Mrs. So-and-So" (guest's name), and the son as "boy so-and-so," even if the guest never comes back during her whole life.

The importance of the girdle is worth noting. Among the Mongols of the Ordos, according to Fr. Mostaert, when on the day set for the marriage the groom falls ill and is unable to attend the ceremony, his girdle is sent to the bride and she performs the rite of marriage with it. I never met such a case among the Monguors, and it appears that the girdle is used among the Ordos Mongols in circumstances quite different from those in which it is used among the Monguors. We note also that kidnapped widows prove before the court of the village their unwillingness to marry so-and-so by showing the girdle which was exchanged with so-and-so. Father Mostaert told me that when shamans in the Ordos perform their rites, removal of the girdle is one of the most important acts. This custom is unknown among the Monguor shamans.

[P. 786]

/94 cont'd/

587 the darkness they heard the woman affirm that they had been mistaken;
583 that she was a neighbor who had come to keep the widow company; that she was married and /95/ that her husband was very much alive, and that the person they were looking for had hidden behind a wardrobe at the moment of danger. Consternation!

What to do? Sending back the woman was a loss of face, and then she did not want to go back.

[627 684] The incident was known everywhere in the region from the next day on; the widow's parents and the husband of the abducted woman were already getting ready to bring suit against the woman's abductors. The elders of the village knew that it was a mistake and proposed to arrange the affair amicably.

There was a palaver and a dinner, which my catchist attended. The conclusion of the discussion was that the young wife was to be taken back on horseback with a band at the head of the procession and a salvo of firecrackers. A sheep with a scarf of red cloth on its horns was to be offered, and apologies were to be made. They laughed heartily in the region at the unfortunate nephew who had presided at the abduction of his aunt.... The young widow meanwhile was married to the man of her choice.

Another very interesting incident for understanding the T'oujen way of thinking on the subject of abduction and the conditions which permit it is the following:

A young widow of Pien-tan, after negotiations in due form, was taken at night to the home of a Tchao of Na-ling keou. Tchao, who was known for his avarice and had a very bad reputation, tried to pick a quarrel with the go-betweens on the subject of the widow's price, although the sum had already been agreed on. He wanted to be shrewd. Since the widow was at his house, he hoped to drag out the settlement of accounts and to get out of it by giving only part of it the agreed-upon price. After three weeks the matter was still dragging on, nothing had yet been paid, and consequently the contract had not yet been signed. New palaver in the courtyard of the pagoda two li distant from his house. Now in the absence of Tchao, a certain Tchang of Tong-keou, accompanied /96/ by several men

/146 cont'd/

578 amuse herself... and has already had too many relations... one fine
593 day she disappears. This is the big affliction of the region. When a wife has run away, they immediately guess who her accomplice is; but it is necessary to be able to locate them. If the inquiries made about them are fruitless, after several days the son-in-law will go to his wife's family, pretending to believe that his dear better half is at their home and that he will find out about her return. This is also a way of informing the parents about their daughter's flight.

If after five or six months the fugitive has not come back, her parents require the son-in-law, accompanied by two aides, to go to get her at his expense; there is always some indication as to where she is. If they have exact information, they go to the headmen of the place to demand that they get hold of the fugitives so that they can bring them back home tied up.

684 Upon their return to the village, the village heads and the
627 members of the families of the lover and the wife are called. In the
681 presence of the whole populace, who very much relish this kind of distraction, the village heads begin the preliminary investigation of the affair. The case is examined to the bottom, and finally the lover is badly beaten and hung up by the thumbs until someone turns up who will act as guarantor for him. Then comes the woman, who is beaten on her bare back with leather lashes for as long as she does not manifest her regrets while adding good resolves for the future. Then the two culprits are taken through the village and exposed to the mockery of all; a herald precedes them, beating a drum and proclaiming their crime. It may happen that an indemnity on the part of the lover's family may be asked for the wrong done to the husband.

586 /147/ The wife goes back into the house; if she brings a child
681 born during the escapade, he is accepted into the family.

But it may also happen that the runaways are not found. Then after two or three years of vain search, the wife's parents demand a settlement of accounts. The parents-in-law then invite the parents of the runaway daughter-in-law, as well as her maternal uncles, the village heads, and several friends who are good speakers, for it will be a question of tseou che jen ming, i.e., "the indemnity (to the parents) for the loss of their daughter occasioned by her running away."

roll of the inmates and from that time on he becomes a member of the community, and is able to reap the benefits of his membership. The same rule exists for admission to the colleges. 792

Nobody cares about the past of the newcomer, nobody inquires about the name of his country, his parents, or the reasons for his arrival. The lamas know very well that inquiries about these matters are of no avail, for if he were a dishonorable man he would certainly not reveal his past. Therefore, it suffices to say that you are coming to worship a certain Buddha honored at the lamasery, and that the period required to satisfy your devotion will probably be long, maybe a year, two years, or more. Then you have to try and find yourself a home in the lamasery, renting a room from a lama, or sharing a room. The proprietor of a courtyard has to report the names of the lamas living in his yard. In small institutions the control is easy, but in large ones, like Kumbum, it is impossible. Frequently, lamas assured me that there was always a number of non-registered lamas, mostly of the traveling businessman type, living at the homes of their friends.

Withdrawal from the lamasery is as easy. Every lama is free to abandon the lamasery forever, at any time. He has only to inform the intendancy of his departure. Only lamas who are guarantors for debts are not allowed to leave, as long as the business is unfinished. A lama is free to sell his courtyard to another lama, and to leave at any time. Usually, a number of lamas leave after the distribution of alms. Once a lama has left the monastery, it has no obligation to care for him any more, unless he has been a guarantor or has committed an injustice against the lamasery. The rector of Chiar-too-ssu, a branch of Erh-ku-lung, left the monastery, bought property adjacent to it, and without changing his lama dress for the clothes of a layman, lived with his wife unmolested. I encountered three or more lama doctors, celebrated for proficiency in their art, who lived with their wives, still wearing their religious garb. Even the son of one of them was dressed as a lama. [792]

If a lama whose name is inscribed on the rolls should be informed by his friends of a charge made against him at the intendancy for moral reasons or theft, he leaves the lamasery in time to avoid the punishments which are meted out with ruthless severity, and moves to another lamasery. Most of the time, a lama would be advised to leave by the intendency itself, for intendancies are reluctant to inflict such punishments, in order to avoid scandal.

In Kumbum, in 1912, I saw a lama, accused by a husband for visiting his wife, beaten unconscious before the main temple, while the community read imprecations. Half his face was blackened with soot; a paper hat, half black, half white, was put on his head; and the traditional oval was impressed on both his cheeks 792 627 684 681

[p. 71 (B)]

4: Schram M-5 (1911-1922) 1957 AE9 Monguor AE9

with a burning ram's horn. He was carried outside the monastery wall by lamas. Ashes were spread all the way along in order to prevent his "spirit" from finding the way back to harm the lamasery. A large group of lamas followed. He was thrown on the ground, stripped of all his garments, amid the shouts of the lamas and the long blare of trumpets, and the group returned to the monastery without looking back. A round mark is burned on thieves. It is impossible for those so marked to enter any monastery.

At the time of the festival at Erh-ku-lung in 1912, three young lamas molested a young lady, causing her death. They fled the same night. The whole village of Too-long accused the monastery at Hsining, which was unable to trace the murderers and had to pay an indemnity of 3,000 taels, after spending far more at court. The whole country was bursting with righteous indignation. It was a tremendous loss of face for the lamasery.

Lamas not only lack the vow of obedience, but also the vow of poverty. It has been explained how lamas retain their own wealth and the means they use for increasing it.[27] Among the lamas are rich individuals enjoying a happy life, possessing a beautiful courtyard, clothed with silk and brocade, riding the finest horses and mules of the country, served by as many lamas as they wish, and there are poor individuals who have trouble making both ends meet—ill fed, ill clothed, working the whole day. Nobody takes care of them because wealth is a personal matter, and no vow of poverty exists. It has been explained how the lack of the vow of poverty is responsible in a large part for the loss of spirit in the monastic life, and how from this lack originate most of the vices encountered among the lamas and the ruination of monasteries.

Lamas lack the vow of chastity, for chastity reaches farther than celibacy. The Buddhists know this very well and the texts prove it.[28]

The reform of Tsong-khapa, the founder of the Yellow Sect, aimed at return to the traditional monastic life, based on celibacy and serious study. The sense of the necessity of celibacy still seems to prevail among the Monguor lamas. This assumption seems evidenced by the facts that the communities of lamas bring suit at Chinese courts against even supreme chiefs of lamaseries, and intendants who betray their vows, as was the case with the Living Buddhas Sumpa, Lu-chia, and Min-chu-erh; and even with Li, the intendant of the T'u-kuan Hutukhtu. It was the same with the Living Buddha Seerting who was caught red-handed by the

[27] The wealth possessed by a lama, his courtyard, etc. are inherited by his apprentice; in case he dies without having an apprentice, his wealth is sold by the intendancy; prayers are said by the lamas and alms given to them. If a lama who is proprietor of a courtyard marries, his courtyard is taken by the intendancy.

[28] L. de la Vallée Poussin, *Morale bouddhique*, 79. Paris, Librairie Nationale, 1927.

/The Monguors/

N *563 M 769 614 ginning of April according to the lunar calendar, in a festival similar to the Chinese Ch'ing-ming. On this occasion the clan assembles to venerate its ancestors, enjoy a great feast and reunion, and discuss matters of concern to the clan.

On the day of the assembly, the T'u-ssu, the chiefs and elders of the villages and all the family heads go to the graveyard immediately after breakfast, followed by all the other members of the clan. At the graveyard, offerings are made and rites are performed. Then food for the offerings is divided among the families, the oldest generations receiving their portions first.

M [182] [767] This annual veneration of the ancestors serves to reinforce the group unity of the Mongour clan. One of the family heads, usually of the nobility, is appointed to care for the graveyard during the following year. His duties include the collection of contributions and offerings, and the making of repairs. An assistant is assigned to help him with details.

b. Respect for elders and family heads

N *563 M 554 888 The Mongours once lived without chiefs, but never without village elders. Traditionally, the whole power of the clan was vested in the elders, who had the authority to appoint and dismiss chiefs. The village elders still take the most important part in local administration. Elders need not be rich or from noble stock, but they are men of good reputation from the more outstanding families.

N *563 M 554 592 Heads of families are also honored. At public meetings, all are allowed to express their views and defend their rights, but final decisions are made only after the heads of families have spoken.

c. Adultery

N *563 M • 684 Adultery is looked upon as a serious crime. If caught, the guilty pair is flogged, the woman on her bare back, the man on bare buttocks and thighs, up to a hundred stripes. The man must confront the husband and make apologies, and present him with a sheep or a pig. A trial is held and fingerprints are taken. Then the pair is led through the village with drums beating while they make public confession of their sin, and they must secure an official statement of pardon.

d. Moral and legal concepts

N *563 M 183 M [593] [587] [421] Both moral and legal concepts of the Mongours seem to be based upon customs, tradition and what the community accepts as just. Some typical social values and concepts are: Wrongs must be righted and injustices corrected. Parents have authority over their children, and husbands over their wives. A widow has the right to remarry or to dispose of herself. Private property must be protected. No one has the right to disturb the peace of the community.

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